

Senate File 2289 - Reprinted

SENATE FILE 2289

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3191)

(As Amended and Passed by the Senate March 11, 2014)

A BILL FOR

1 An Act establishing electronic messaging while driving as a
2 moving violation and a primary traffic offense for purposes
3 of law enforcement, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.210, subsection 2, paragraph e, Code
2 2014, is amended by striking the paragraph.

3 Sec. 2. Section 321.276, subsections 1 and 2, Code 2014, are
4 amended to read as follows:

5 1. For purposes of this section:

6 a. *"Engage in a call"* means talking or listening on a mobile
7 telephone or other portable electronic communication device.

8 b. ~~*"Hand-held electronic"*~~ *"Electronic communication device"*
9 means a mobile telephone, portable or mobile computer, or other
10 portable electronic ~~communication~~ device capable of being used
11 to ~~write~~ compose, send, or read ~~a-text~~ an electronic message.

12 ~~*"Hand-held electronic"*~~ *"Electronic communication device"* does
13 not include a voice-operated or hands-free device which allows
14 the user to ~~write~~ compose, send, or read ~~a-text~~ an electronic
15 message without the use of either hand except to activate
16 or deactivate a feature or function. ~~*"Hand-held electronic"*~~
17 *"Electronic communication device"* does not include a wireless
18 communication device used to transmit or receive data as part
19 of a digital dispatch system. ~~*"Hand-held electronic"*~~ *"Electronic*
20 *communication device"* includes a device which is temporarily
21 mounted inside the motor vehicle, unless the device is a
22 voice-operated or hands-free device.

23 c. ~~*"Text"*~~ *"Electronic message"* means a self-contained
24 piece of digital communication that is designed or intended
25 or be transmitted by electronic means. *"Electronic message"*
26 includes but is not limited to a text-based message, an instant
27 message, and electronic mail an electronic mail message, and a
28 communication designed to initiate access to an internet site.

29 d. The terms ~~*"write"*~~ *"compose"*, *"send"*, and *"read"*, with
30 respect to ~~a-text~~ an electronic message, mean the manual entry,
31 transmission, and retrieval of ~~a-text~~ an electronic message,
32 respectively, to communicate with any other person or device.

33 2. A person shall not use ~~a hand-held~~ an electronic
34 communication device to ~~write~~ compose, send, or read ~~a-text~~ an
35 electronic message while driving a motor vehicle unless the

1 motor vehicle is at a complete stop off the traveled portion
2 of the roadway.

3 a. A person does not violate this section by using a global
4 positioning system or navigation system or when, for the
5 purpose of engaging in a call, the person selects or enters a
6 telephone number or name in a hand-held mobile telephone or
7 activates, deactivates, or initiates a function of a hand-held
8 mobile telephone.

9 b. The provisions of this subsection relating to reading
10 ~~a-text~~ an electronic message do not apply to the following
11 persons:

12 (1) A member of a public safety agency, as defined in
13 section 34.1, performing official duties.

14 (2) A health care professional in the course of an emergency
15 situation.

16 (3) A person receiving safety-related information including
17 emergency, traffic, or weather alerts.

18 Sec. 3. Section 321.276, subsection 4, Code 2014, is amended
19 to read as follows:

20 4. ~~a.~~ A person convicted of a violation of this section
21 is guilty of a simple misdemeanor punishable as a scheduled
22 violation under section 805.8A, subsection ~~14~~ 6, paragraph ~~"1"~~
23 "0c".

24 ~~b. A violation of this section shall not be considered a~~
25 ~~moving violation for purposes of this chapter or rules adopted~~
26 ~~pursuant to this chapter.~~

27 Sec. 4. Section 321.276, subsection 5, Code 2014, is amended
28 by striking the subsection.

29 Sec. 5. Section 321.555, subsection 2, Code 2014, is amended
30 to read as follows:

31 2. Six or more of any separate and distinct offenses within
32 a two-year period in the operation of a motor vehicle, which
33 are required to be reported to the department by section
34 321.491 or chapter 321C, except equipment violations, parking
35 violations as defined in section 321.210, violations of

1 registration laws, violations of sections 321.445 and 321.446,
2 ~~violations of section 321.276,~~ operating a vehicle with an
3 expired license or permit, failure to appear, weights and
4 measures violations and speeding violations of less than
5 fifteen miles per hour over the legal speed limit.

6 Sec. 6. Section 805.8A, subsection 6, Code 2014, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *oc.* Section 321.276.....\$30

9 Sec. 7. Section 805.8A, subsection 14, paragraph 1, Code
10 2014, is amended by striking the paragraph.